

1. Origins

a. Origins of the Global Forum on Fighting Corruption

In 1997, recognizing the dramatic growth of transnational crime in today's interconnected world, President Clinton called on the Departments of Justice, State and the Treasury to develop and implement a comprehensive national strategy to fight international crime and reduce its impact on Americans. In May 1998, the President approved and published the first United States Government International Crime Control Strategy. That Strategy had the purpose of defining the specific goals and objectives which, if achieved, would lead to a more secure and law-abiding world in which America and Americans can thrive. One of the objectives defined to implement its seventh Goal ("Foster International Cooperation and the Rule of Law") called for the United States Government to:

Strengthen the rule of law as the foundation for democratic government and free markets in order to reduce societies' vulnerability to criminal exploitation.

The responsibilities of the public order, security and justice officials of governments who uphold the rule of law are fundamental to the operation of democratic institutions and free markets. Corruption of officials responsible for the rule of law thus impairs the institutions of government itself, and erodes the potential effectiveness of anticorruption measures in other aspects of a society. The International Crime Control Strategy therefore identified the question of corruption among justice and security officials of governments as one of central significance to the rule of law. It recognized that corruption among such officials has existed throughout history. It took account of the fact that to effectively combat such corruption, it is necessary to identify and analyze the institutional factors that promote integrity among public officials, or deter corruption by identifying and punishing perpetrators of corrupt acts. It recognized that unlike the issue of bribery in commercial transactions, corruption affecting justice and security officials has been less subject to intensive discussion, analysis and policy definition in dialog among governments. It recognized that corruption among the officials of a government that are responsible to maintain the rule of law cannot be "solved", but can be controlled.

The International Crime Control Strategy defined ten specific initiatives to further United States Government efforts against international crime. One of those ten initiatives was that:

The United States will call for an international conference within the next six months to focus on the development of model approaches for upholding integrity among key justice and security officials. This

international conference, which the President has asked Vice President Gore to organize, would examine real life situations relating to the standards of integrity among justice and security officials worldwide and then prepare appropriate policy recommendations.

Justice and security officials include all those who have a key role in maintaining the rule of law, whether they are police, border officials, military personnel, prosecutors or judges. The conference would collect basic facts on compensation, assess corrupting influences, review standards of ethical conduct, and take stock of ongoing, national, regional and global initiatives – all with a view to determining which approaches to upholding integrity work, which do not, and what new approaches might be developed.

In June 1998, almost simultaneously with the approval of the U.S. strategy, the Heads of Government of the G8 group, meeting at the Summit in Birmingham, England, held an extensive discussion of the relationship between serious crime and corruption. Based on that discussion, the principals drafted and added to their Communiqué a new sentence. This directed the G8 Senior Experts on Transnational Crime (“Lyon Group”) to “explore ways of combating official corruption arising from the large flows of criminal money.” The Communiqué directed that the Experts report back on their activities to the next meeting of the G8 Summit, to be held at Koln, Germany, in June 1999. The United States consulted with other members of the G8 at several meetings of the Lyon Group regarding preparations for the international conference, and considers this conference to have represented one significant aspect of the response to this mandate.

In December 1998, Vice President Gore issued his call for the conference, officially designated “Global Forum on Fighting Corruption: Safeguarding Integrity Among Justice and Security Officials.” He sent messages of invitation to over 80 governments to send participants. Response to the Vice President’s invitations was highly positive; several governments were represented by officials of their embassies in Washington, but no invited government failed to participate. A complete list of foreign participants at the Global Forum is provided in part 19 below. Responses indicated that governments saw this initiative to begin international discussion on the specific issue of corruption among justice and security officials as opening a new aspect of the wide problem of corruption. Moreover, this is an aspect of fundamental significance to all governments, whose most basic purpose is to maintain the rule of law.

b. Origin of the Guiding Principles for Fighting Corruption and Safeguarding Integrity Among Justice and Security Officials

Corruption, dishonesty and unethical behavior among public officials represent serious threats to the basic principles and values of government, undermining public confidence in democracy and threatening to erode the rule of law. This fact has become increasingly recognized in a number of global and regional fora, and preventing or punishing corruption among these groups of government officials has been addressed in a growing number of international agreements, resolutions, formal recommendations, expert group evaluations and similar documents. In order to assist participants to prepare for the Global Forum, in the fall of 1998 the United States Government undertook an analysis of this existing international literature on this subject. The most pertinent agreements and other documents were assembled to become the Source Book that was prepared and distributed to all Global Forum participants. The full text of the Source Book may be found in the Appendix.

In analysis of these documents, it became evident that certain practices for preventing or fighting corruption among justice and security officials have become recognized as proven to be effective in many cases. Such practices divide themselves into groups that implement a more limited number of general principles. Taken together, a regime of practices that effectively implement those principles will offer an effective effort to prevent or combat corruption among justice and security officials. Each government implements these guiding principles differently, in a manner that becomes appropriately tailored to the political, legal, economic and cultural circumstances of each country. Due to the different functions and missions of different judicial, justice and security officials, not all practices for preventing or fighting corruption are applicable in all categories. There is no specific solution to corruption among justice and security officials. Rather, there is a number of potentially effective corruption-fighting practices, from which governments may derive solutions that appropriately apply general guiding principles to their specific requirements.

This list of practices identified in existing international agreements, recommendations and other documents, or based on the observed experience of governments, and the twelve general principles that these practices may serve, were assembled into the working document "Guiding Principles for Fighting Corruption and Safeguarding Integrity Among Justice and Security Officials." That document, which is reproduced in this Final Report above, was provided to all participants in the Global Forum, as a convenient compilation of concepts that are diversely expressed in the number of differing documents contained in the Source Book. This list of practices, which may apply also to other sectors of government in addition to justice and security officials, is intended to help guide

and assist governments in developing or improving effective and appropriate means to best achieve their specific public integrity ends.